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Planning Services London Borough of Hillingdon Civic Centre High Street Uxbridge UB8 1UW

> 24552/A5 10th May 2019

Dear Sir/Madam,

SECTION 73 APPLICATION - REVISIONS TO THE FORMER NESTLÉ FACTORY, HAYES

This letter has been prepared on behalf of Barratt Homes London (the "Applicant"), with respect to an application submitted under Section 73 (s73) of the Town & Country Planning Act 1990 (as amended). The application seeks to vary Condition 9 of the full application for redevelopment of the former Nestlé Factory site, Hayes (London Brough of Hillingdon (LBH), planning permission ref. 1331/APP/2017/1883).

This letter sets out the proposed minor alterations to the plans and documents approved, considers implications for the Environmental Statement (ES) submitted in support of the full application and confirms that the conclusions of the document remain valid. The ES submitted in support of the full application is hereafter known as the "2017 ES" and this letter and the 2017 ES comprise the environmental information on which the s73 application should be determined.

Background

A full planning application, ref. 1331/APP/2017/1883, was submitted to LBH in May 2017, the formal description of which was as follows:

"Part demolition of existing factory buildings and associated structures, and redevelopment to provide 1,386 dwellings (Use Class C3), office, retail, community and leisure uses (Use Class A1/A3/A4/B1/D1/D2), 22,663sqm (GEA) of commercial floorspace (Use Class B1c/B2/B8 and Data Centre (sui generis)), amenity and playspace, landscaping, allotments, access, service yards, associated car parking and other engineering works."

Demolition and construction works started on the site in early 2019, following the discharge of planning conditions. The majority of the existing buildings on the site have been demolished and the proposed Block D of the consented development is partially completed.

The proposed development fell within Schedule 2, 10 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as amended ("the 2011 EIA Regulations")

¹ SI 2011/1824 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 (No. 660)





as an "*Urban Development Project*". As the site exceeded five hectares in area and the development included more than 150 dwellings with the potential to give risk to likely significant effects on the environment, the Applicant submitted an ES to support the planning application in accordance with the 2011 EIA Regulations.

Scope of S73 Application

The s73 application seeks approval for amendments to plans and documents approved under planning permission ref. 1331/APP/2017/1883 to Block D, E, F1 and G. The amendments will provide three extra residential units, thereby totalling the number of residential dwellings to 1,389. The details of the proposed amendments are set out in Appendix 2.

The proposed development is of a type that falls under Schedule 2, 13 (b) "Changes or extensions" to a Schedule 2, 10 (b) "Urban Development Project" of the EIA Regulations, where the development as amended would have likely significant effects on the environment.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ² ('the 2017 EIA Regulations') were not in force when the ES in support of the full planning application was submitted to LBH. However, as the s73 application is considered to be a new application under the EIA Regulations, the 2017 EIA Regulations (as amended) apply to the application.

Requirements of the 2017 EIA Regulations (As Amended)

Table 1 below sets out the requirements of the 2017 EIA Regulations and whether any updates to the 2017 ES are required as a result.

Table 1: 2017 EIA Regulations (As Amended) Requirements

2017 EIA Regulations (as amended) Requirement	Relevance of Requirement to the Project	Update to EIA Scope required?
Where a Scoping Opinion has been sought an Environmental Statement must be based on the most recent scoping opinion or direction issued.	A Scoping Opinion for the s73 application has not been requested from LBH under the 2017 EIA Regulations (as amended).	X
Co-ordinated procedures required for EIA and Habitats Regulations Assessment (HRA).	A Preliminary Ecology Appraisal confirmed that the Site has a low ecological value, with 75% of the site comprising buildings and hard standing. It does not form part of any statutory or non-statutory designated nature conservation site, but the Site borders the Grand Union Canal, a Site of Metropolitan Grade Importance for Nature Conservation. However, Ecology and Nature Conservation was scoped out of the 2017, as confirmed by LBH's Scoping Opinion (ref. Nestle/Scoping/IRT, dated 13 th May 2016 and included at Appendix 2.2 in the 2017 ES), which stated that as the site is heavily urbanised with little obvious ecological value Ecology and Nature Conservation can be scoped out. There are no nearby European designated sites that could be affected or required to be considered through HRA. The proposed changes to Condition 9 are minor and	X

² SI 2017/571 as amended by SI 2018/695

2017 EIA Regulations	Relevance of Requirement to the Project	Update
(as amended) Requirement		to EIA Scope required?
	will not result in a change in significant effects. Therefore, no update is required.	requireu.
The description of the proposed development should now also include information on energy demand and energy used; and quantities and types of waste produced during the construction and operational phases	Chapter 3 Site and Development Description of the ES sets out the key sustainability measures which have been incorporated into the design of the consented development. It also states that the consented development meets or exceeds the requirements of Part L1A:13 ³ by provision of enhanced insultation and energy efficient plant and equipment. The residential element of the development will be heated by a community heating system with condensing gas boilers and a gas Combined Heat and Power system. In addition, photovoltaic panel arrays are also proposed for the roofs of some of the buildings. The commercial element of the development will focus on CO ₂ reduction by using highly efficient building envelope with high efficiency mechanical and electrical services, along with air source heat pump renewable technology. A Sustainability Statement and Energy Statement were submitted for the consented scheme which include the details on energy, sustainability and climate change incorporated into the consented development. This information remains unchanged in light of the proposed amendments to the consented development.	X
	Chapter 2 EIA Methodology of the ES states that the development is not anticipated to produce significant amounts of waste and much of the materials used in the existing buildings on the site will be recycled for use on the Site or off the site. On this basis an assessment of waste has been scoped out of the ES. This information remains unchanged in light of the proposed amendments to the consented development.	
The term 'population' has been replaced by the term 'population and human health' and there is a new requirement to consider, where relevant, the effects on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters (including climate change).	Socio-economics was scoped out of the 2017, as confirmed by LBH's Scoping Opinion (ref. Nestle/Scoping/IRT, dated 13 th May 2016 and included at Appendix 2.2 in the 2017 ES), which confirmed that socio-economic effects are not likely to be significant as a result of the consented development.	X
	A Health Impact Assessment (HIA) was submitted in support of the consented development where the effects on 'human health' were assessed using the NHS Healthy Urban Development Unit Rapid HIA tool. It identified many beneficial health effects resulting from the development. The minimal changes proposed for the consented development do not alter the findings of the HIA, which is also submitted in support of the s73 application.	
	Given the site's location, it is considered unlikely to be at significant risk of other major accidents and disasters (e.g. it is not on a geological fault line or	

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 $^{^{\}rm 3}$ The Building Regulations 2010 Conservation of Fuel and Power in new dwellings.

2017 EIA Regulations	Relevance of Requirement to the Project	Update
(as amended) Requirement		to EIA Scope
Requirement		required?
	in a coastal area). Chapter 2 EIA Methodology of the 2017 ES states that an assessment of the effects of the consented development on water resources and flood risk has been scoped out of the 2017 ES on the basis that the site is located in Flood Zone 1 and is at low risk of flooding from rivers and seas. No significant land raising works or changes to the current flood defences are proposed as part of the consented development and effects on flood risk are not considered to be significant. The Flood Risk Assessment submitted in support of the consented development concludes that the site is suitable for development and the effects on flood risk are not considered to be significant. This information remains unchanged in light of the proposed amendments to the consented development. The consideration of greenhouse gas emissions and climate change from proposed developments is a requirement under the 2017 EIA Regulations (as amended). The development has the potential to release greenhouse gases which contribute to	
	climate change. However, given the nature, size and scale of the development, the effect on climate change is not considered to be significant. A Sustainability Statement and Energy Statement were submitted for the consented scheme which included the details on energy, sustainability and climate change, which were summarised in ES Chapter 3 Site and Development Description.	
In relation to alternatives the ES must include "an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects".	The necessary consideration has been given to this requirement in Chapter 4 Alternatives and Design Evolution of the 2017 ES.	X
The consultation period for a submitted Environmental Statement has been increased from 21 to no less than 30 days.	Does not affect the required content of the ES. This should be borne in mind when the s73 application and ES is consulted on.	X
Decision notices - must include the "reasoned conclusion" for the decision and consider whether it is appropriate to impose monitoring measures.	Does not affect the required content of the ES. This should be addressed when the decision notice is prepared.	X
An ES must be prepared by "competent experts".	The ES was coordinated and reviewed by qualified EIA Practitioners at Barton Willmore, registrants of the IEMA EIA Quality Mark. All technical consultants undertaking assessments, which contributed to the 2017 ES are specialists in their respective technical disciplines with relevant experience of EIA for other similar projects.	Х

Planning Policy and Supporting Guidance - updated National Planning Policy Framework

The National Planning Policy Framework was updated on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012 and revised in July 2018.

The proposed amendments to the consented scheme do not alter the approach the guidance sets out in relation to EIA and do not change the assessments in the ES.

Validity of Assessment

A review of the environmental topics included in the 2017 ES has been undertaken to establish whether any likely significant effects not identified or identifiable at the time of the planning permission could now occur as a consequence of the proposed amendments.

The scope of the 2017 ES comprised the following topics:

- Transport and Access;
- Air Quality;
- Land Contamination; and
- Built Heritage

The 2017 ES identified the following key residual effects:

- Beneficial effects on the Botwell: Néstle, Hayes Conservation Area and the Nestle Works (Main Factory Building) (locally listed building) once the consented development is complete;
- An adverse effect from demolition of Néstle Works (Lodge) (locally listed building);
- A range of beneficial and some adverse effects on the local highway network;
- Negligible effects on air quality; and
- Negligible effects from land contamination once the consented development is complete.

The majority of the assessments in the 2017 ES assumed the baseline conditions in 2017. Therefore, given that the age of this baseline information is two years old and the conditions on the site have not evolved apart from the demolition of buildings and progression of construction, it is still considered to be representative.

The March 2017 ES stated that the construction of the consented development was anticipated to commence at the beginning of 2018, subject to gaining planning permission, and span approximately six years. The construction process was expected to be completed by 2024. Construction of the consented development commenced in January 2019 and will span approximately seven years, reaching completion in 2026. This change to the construction period for the consented development (as amended) is not considered to change the conclusions of the assessments in the ES.

The assessment of significant effects in relation to the technical disciplines included in the 2017 ES for the full planning application are not materially influenced by the minor nature of the changes.

Approved Development and Cumulative Effects

The 2017 ES considered the following approved cumulative schemes:

- The Old Vinyl Factory, Blythe Road, Hayes, ref. 59872/APP/1838;
- 20 Blythe Road, Hayes ref. 1425/APP/2011/3040;
- Southall Gasworks, ref. PP/2015/4682;
- Western International Park, ref. P/201/4185;

- Upgrades to the existing Hayes and Harlington rail station for Crossrail planning, ref. 31592/APP/201/186; and
- Silverdale Road, Hayes, ref. 1374/APP/2016/4027 (undecided).

The 2017 ES also considered three further schemes where planning applications had not yet been submitted, but due to them being considered as reasonably foreseeable, they were assessed in the cumulative assessment:

- Land South of Hayes and Harlington;
- No.1 Nestle Avenue; and
- Squirrel Trading Estate.

Since the 2017 ES was prepared, there has been a couple of changes to the cumulative position, summarised as follows:

- A planning application for the No.1 Nestle Avenue was submitted and withdrawn; and
- A planning application has been submitted for the Land south of Hayes and Harlington site, (ref. 73238/APP/2018/1145) which has been approved at planning committee but permission has yet to be issued.

No further additional cumulative schemes have come forward within the vicinity of the site since the 2017 ES was submitted in support of the full planning application. The 2017 ES assessed both the No.1 Nestle Avenue and Land south of Hayes and Harlington sites, prior to their planning applications being submitted. Therefore, the cumulative assessment set out in the ES for the full planning application remains valid.

Conclusion

The s73 application to amend planning permission ref. 1331/APP/2017/1883 comprises minor changes (an additional 3 units and façade detail changes). No likely significant effects, that were not identified or identifiable at the time of the extant planning permission, have been identified.

It is therefore considered that the s73 application would not give rise to likely significant effects on the environment above those already identified as part of the extant planning permission. The ES prepared to support application ref. 1331/APP/2017/1883 and this letter comprise the environmental information submitted in support of the s73 application to be considered under the EIA Regulations.

Yours faithfully,

LUCY WOOD

Director - Environmental Planning

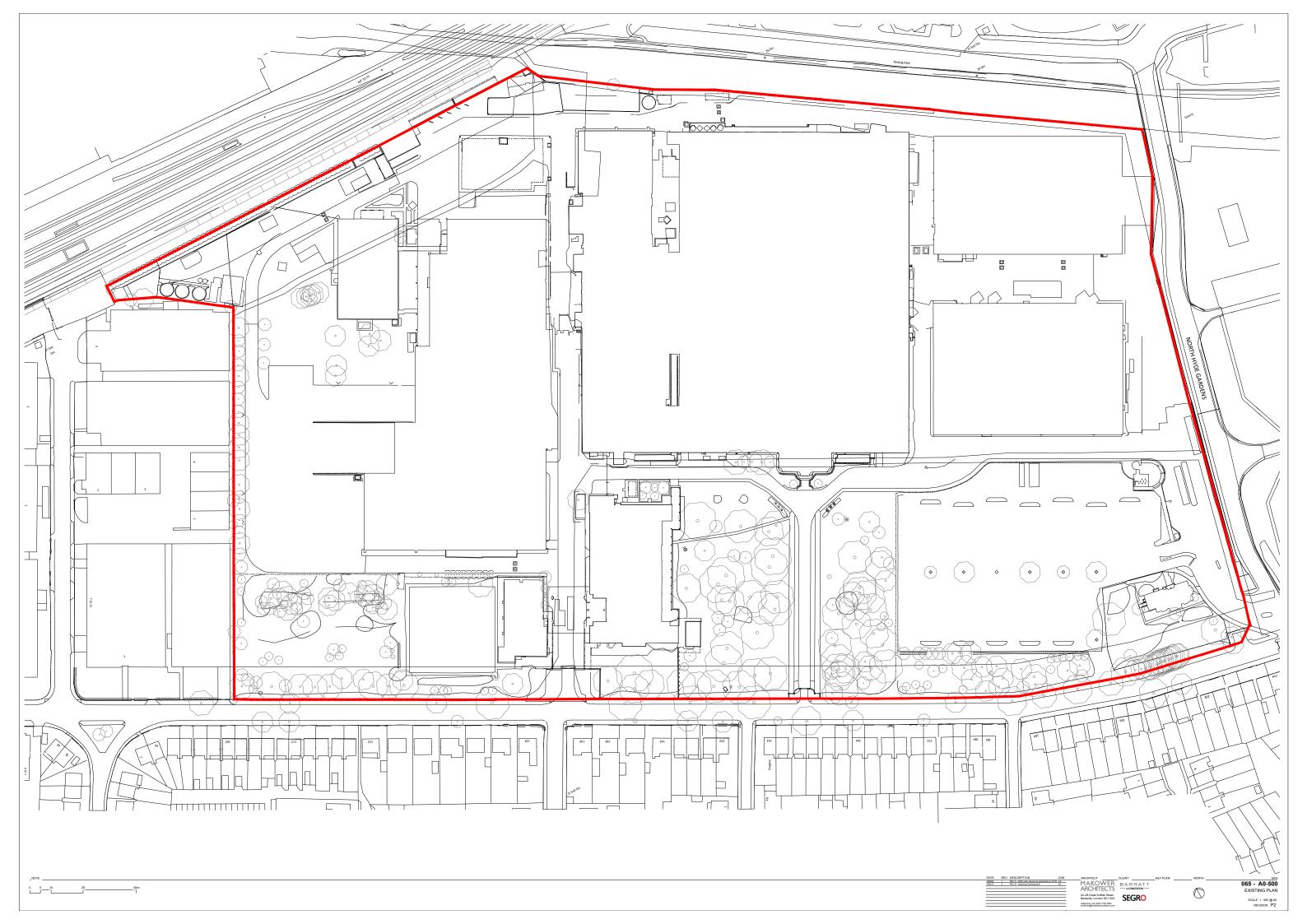
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Appendix 1 – Site Plan

Lucy Wood

Appendix 2 – Proposed amendments for the s73 application

APPENDIX 1 SITE PLAN



APPENDIX 2

PROPOSED AMENDMENTS FOR THE S73 APPLICATION

Appendix 2: Proposed amendments to the consented development at the former Nestlé Factory, Hayes

Block D

- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20_401:
 - Addition of expressed brick detail around window on east return of south elevation for continuity;
 - o Addition of balconies. Amenity space increased form 5sgm to 10sgm;
 - Removal of stair windows next to main entrance;
 - Lowered overall building height by 1 brick (75mm) at every level. From 63.025m to 62.685mAOD;
 - Change to parapet frame expression; and
 - Removal of corduroy brick on upper floors.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20_406:
 - Addition of an acoustic louvred ventilation panel to energy centre. Attenuation of noise emissions from the louvre should be designed to not exceed 47dBA at 1m from the nearest noise sensitive windows;
 - Columns added and change of shape from square to round, changed positions of doors, change of wall material on cycle store to hit and miss brick;
 - Increase in bin storage and addition of cycle store and bulky storage on ground floor, from 5sqm to 33sqm;
 - Addition of volume to duplexes to improve layouts and structural system. Addition 10sqm and 20sqm for the two units;
 - Lowered overall building height by 1 brick (75mm) at every level. From 63.025m to 62.685mAOD;
 - Chimneys increased in height to comply with building regulations, 2m above the highest point of the roof;
 - Change of parapet frame expression; and
 - Removal of vertical frame on the rear façade.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20_404 and HPK-HBA-XX-XX-DR-A-20_402:
 - Change of energy centre façade, position and type of windows, external doors, amount of glazing;
 - Change of door to substation to louvred door;
 - Chimneys increased in height to comply with building regulations, 2m above the highest point of the roof:
 - Change of window to glazed door for roof access;
 - Lowered overall building height by 1 brick (75mm) at every level. From 63.025m to 62.685mAOD;
 - Addition of balconies to 6th and 7th floor on east elevation for coninutity of façade language;
 - Change to parapet frame expression;
 - o Removed corduroy brick and concrete lintel; and
 - Balcony sizes reduced from 8.8sqm to 5sqm.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20 100:
 - Change of rear lobby entrance area. Increase in cycle store area from 57sqm to 120sqm;
 - Increase in bin storage and addition of cycle store and bulky storage on ground floor, from 5sqm to 33sqm;
 - o Change of façade material and door positions on bin and cycle stores;
 - o Addition of columns, change of shape from square to circular;
 - Change of the energy centre façade, position and types of windows, external doors, amount of alazing; and
 - Change of door to substation to louvred door.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20 101:
 - Addition of volume to duplexes to improve layouts and structural system. Additional 10sqm and 20sqm for the two units;
 - Addition of an acoustic louvred ventilation panel to energy centre. Attenuation of noise emissions from the louvre should be designed to not exceed 47dBA at 1m from the nearest sensitive windows;
 - Change of the energy centre façade, position and types of windows, external doors, amount of glazing;

- Removal of windows; and
- o Balcony sizes reduved from 8.8sqm to 5sqm.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20_102:
 - Reorganisation of units 593, 594 and 595 to comply with fire safety regulation and keep the length of corridor to escape stair to 30m max. 1-bedroom unit 593 changed to studio to improve unit layout; and
 - Balcony sizes reduced from 8.8sqm to 5sqm.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20_103:
 - Reorganisation of units 604, 605 and 606 to comply with fire safety regulation and keep the length of corridor to escape stair to 30m max. 1-bedroom unit 604 changed to studio to improve unit layout; and
 - Balcony sizes reduced from 8.8sqm to 5sqm.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20 104:
 - Window changed to a door to access the roof; and
 - o Balcony sizes reduced from 8.8sqm to 5sqm.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20_105:
 - o Balcony sizes reduced from 8.8sqm to 5sqm.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20_106:
 - o Addition of balconies. Increase in amenity space from 5sqm to 10sqm; and
 - Balcony sizes reduced from 8.8sqm to 5sqm.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20_107:
 - o Addition of balconies. Increase in amenity space from 5sqm to 10sqm; and
 - Balcony sizes reduced from 8.8sqm to 5sqm.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20_108:
 - o Balcony sizes reduced from 8.8sqm to 5sqm.
- Proposed changes to approved drawing reference HPK-HBA-XX-XX-DR-A-20_109:
 - Chimneys increased in height to comply with building regulations, 2m above the highest point of the roof.

Block E

- Removal of the stair window by the main entrance;
- Double height driveway reduced to single storey height by adding slat at first flood with two additional units.
 Additional volume and floor area added at ground floor incorporating cycle storage and water storage plant room;
- Lowered overall building height by 1 brick (75mm) rom 2nd level up. From 66.475m to 66.258m AOD at parapet level (excluding gables);
- Amendments to windows, entrance doors and canopies to provide natural ventilation for E1 duplexes and avoid overheating;
- Changes to window and external door types, sizes and positions due to coordination with structure, services or layout rationalisation. Several places around the building, for details see plans and elevations.
- Addition of a rear entrance to block E1;
- Balconies on West elevation moved away from the corner to eliminate overlooking issues;
- Added columns and changed shape from square to round on ground floor level;
- · Removal of art work on North elevation;
- Reduction of an oversized balcony on a 1-bedroom flat to compliant smaller size on South elevation; and
- Change of tenure. Block E changed to be fully affordable housing to increase the provision from 35% to 40%. For details please refer to drawings MP600 MP610.

Block F1

- Proposed south elevation:
 - Minor adjustments to window/brick panel arrangements on top floor;
 - Revised setback handrail detail;
 - Lift overrun height increased by 395mm;
 - o Entrance tower lift overrun height increased by 395mm;

- Entrance canopy changed from 'inverted L' shape to a portal;
- Entrance door arrangement developed
- Signage added above canopy; and
- Signage added above main doors.
- Proposed west elevation:
 - Minor adjustments to window/brick panel arrangements on top floor; and
 - Revised setback handrail detail.
- Proposed north elevation:
 - White painted render 'frame' changed to white brick;
 - White painted render 'infill panels' changed to grey brick;
 - White painted render frame changed to steel frame, painted to match balconies;
 - Windows made larger;
 - Balcony repositioned to align to brick grid;
 - Apartment and substation locations switched. Substation doors to be painted red;
 - Windows relocated; and
 - o Stairwell made larger, white render changed to white brick with on/off brick perforations.
- Proposed east elevation:
 - White painted render changed to white brick;
 - White painted render changed to grey brick;
 - o Revised window mullion design; and
 - Revised balcony and window configuration.

Block G

- Proposed west elevation:
 - Adjusted alignment of grid (windows, brick panels, green panels and balconies) to improve rhythm of key elevations and enhance relationship with concrete frame of Truscon building;
 - o Balcony omitted from west elevation, replaced with roof terrace;
 - Minor amendments to building envelope;
 - Entrance canopy inverted 'L' form developed into a portal form for improved visibility and shelter;
 - Additional entrance and canopy added;
 - Ground floor level balconies changed to terraces where the ground floor levels are to be raised locally to accommodate;
 - Roof access door added for maintenance only; and
 - South facing balconies related to west elevation.
- Proposed rear (east) elevation:
 - White brick frame introduced with grey brick infill, expressing structural grid of Block G for continuity with south and west elevations;
 - Minor amendments to building envelope;
 - Additional windows (to apartment hallway) which are not openable;
 - Windows omitted (to corridors);
 - Window changed to AOV and enlarged to comply with Fire Strategy; and
 - o Ground floor corner built out to provide increased bike storage.
- Proposed south elevation:
 - New entrance and canopy in the corner; and
 - Balconies relocated to west elevation.
- Proposed north elevation (facing warehouse yard):
 - 'Frame' brick detail proportions adjusted to match the existing retained façade of the perpendicular warehouse east elevation;
 - o In-fill brick detail changed to grey brick, to express white frame;
 - o Ground floor rear corner built out; and
 - Minor amendment to building envelope with height of building dropped by 2 brick courses.
- Proposed ground floor plan:
 - Redistribution of windows, brick panels, green panels and balconies to improve rhythm of key elevations;

- Cycle store relocated to provide correct cycle allocation to Block G. Building line extended to align with north elevation on ground floor only. Area increase from 41sqm to 81sqm;
- Entrance canopies added;
- o Ground floor balconies changed to terraces with defensible planting added;
- 2B3P unit increased in size to a 3B6P unit;
- Core area rationalised with second lift relocated to core G2;
- New lift and entrance added to what was previously only a stair escape core with second lift from core G! relocated to core G2;
- Refuse chute omitted, changed to full restore adjacent to new entrance;
- Substation relocated into Block F1, providing additional unit;
- 2 studio units increased in area to become to 1b2P units;
- Window changed to AOV for fire strategy;
- Internal corridor removed and incorporated into apartment, changed from 2b3P to 1B2P from 69sqm to 57.8sqm. Front door changed from corridor to external;
- o Internal corridor removed and incorporated into two 2B3P apartments, changing from 2B3P to 2B4P (69sqm to 86sqm and 71sqm to 96.4sqm). Front doors changed from corridor to external;
- Windows omitted from rear elevation portion visible from Segro unit 1 front yard;
- o Landscape plan revised to provide external amenity to street accessed apartments; and
- Planting specification to provide defensible space, in compliance with secure by design.

Proposed first floor plan

- Redistribution of windows, brick panels, green panels and balconies to improve rhythm of key elevations;
- Core rationalised with second lift, relocated to core G2;
- Communal corridor shortened by 10m, area gained by apartment;
- 2B3P unit increased in size to a 3b5P, area increase from 69.3sqm to 96.1sqm;
- Lift relocated from core G1 to new relocated in core G2;
- Refuse chute omitted; and
- o Windows omitted on rear elevation.

Proposed second floor plan:

- Redistribution of windows, brick panels, green panels and balconies to improve rhythm of key elevations;
- Core rationalised with second lift related to core G2;
- o Communal corridor shortened by 10m, area gained by apartment;
- 2B3P unit increased to a 3B5P unit. Area increase from 69.3sqm to 96.1sqm;
- Lift related from core G1 to new located in core G2;
- Refuse chute omitted; and
- Windows omitted on rear elevation.

Proposed third floor plan:

- Redistribution of windows, brick panels, green panels and balconies to improve rhythm of key elevations;
- Core rationalised with second lift relocated to core G2;
- Communal corridor shortened by 10m, area gained by apartment;
- 2B3P unit increased to a 3B5P unit. Area increase from 69.3sqm to 96.1sqm;
- o Refuse chute omitted; and
- Windows omitted on rear elevation.

• Proposed fourth floor plan:

- Redistribution of windows, brick panels, green panels and balconies to improve rhythm of key elevations;
- Core rationalised with second lift relocated to core G2;
- Balcony omitted from west elevation, replaced with roof terrace to provide external amenity for apartment;
- Extensive green roof;
- Refuse chute omitted; and
- Windows omitted on rear elevation.
- Proposed roof flan:

- PV array design progressed;Lift overrun relocated from core G1 to G2;
- Minor amendments to envelope extents; and
 Mechanical smoke ventilation plant shown.